



Patent Docket P0978-1C1D1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Avi J. Ashkenazi Serial No.: 09/934,465 Filed: August 21, 2001 For: Apo-2 Ligand	Group Art Unit: 1647 Examiner: D. Romeo Confirmation No. 7952 Customer No. 09157
---	---

**Response to Restriction/Election Requirement**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

This paper is being filed in response to the Office Action mailed August 11, 2003, setting forth an election of species requirement. In the Office Action, the Examiner issued an election requirement under 35 USC 121, requiring an election of species for pending claims 24, 27, and 30-38.

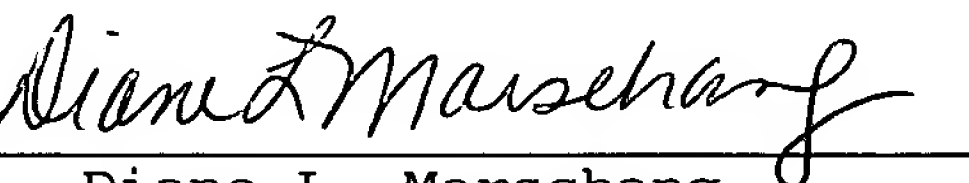
The Examiner asserts that the application contains claims directed to the following patentably distinct species of the claimed invention: breast cancer, prostate cancer or ovarian cancer. Applicant hereby elects to prosecute claims directed to prostate cancer in this application. It is believed that pending claims 24, 27, and 30-38 read on the elected species.

The Examiner also asserts that the application contains claims directed to the following distinct species of the claimed invention: Doxorubicin, 5-Fluorouracil, Cytosine arabinoside, Cyclophosphamide, Thiotepa, Busulfan, Cytosine, Taxol, Methotrexate, Cisplatin, Melphalan, Vinblastine, or Carboplatin. Applicant hereby elects to prosecute claims directed to Doxorubicin in this application. It is believed that pending claim 35 reads on the elected species.

The Examiner further asserts that the application contains claims directed to the following distinct species of the claimed invention: polyethylene glycol, polypropylene glycol, or polyoxyalkylene. Applicant hereby elects to prosecute claims directed to polyethylene glycol in this application. It is believed that pending claim 36 reads on the elected species.

Respectfully submitted,  
GENENTECH, INC.

Date: October 10, 2003

By:   
Diane L. Marschang  
Reg. No. 35,600

1 DNA Way  
So. San Francisco, CA 94080-4990  
Phone: (650) 225-5416  
Fax: (650) 952-9881